

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ATLANTIC CASUALTY INSURANCE COMPANY

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

FORTHRIGHT CONSTRUCTION, INC.,  
WONDER WORKS CONSTRUCTION CORP.,  
AND VASILIS AFTOUMIS, and CONSTANTIA  
AFTOUMIS

'07 CIV 4098

JUDGE CHAN

TO: (Name and address of defendant)

Forthright Construction, Inc.  
2240 McDonald Avenue  
Brooklyn, New York 11223

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cyril E. Smith, Esq.  
Nixon Peabody LLP  
437 Madison Avenue  
New York, New York 10022  
(212) 940-3026

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

DATE

**MAY 25 2007**

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 0;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="display: flex; justify-content: flex-end; width: 80%; margin-right: 0;"> <span>Address of Server</span> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
ATLANTIC CASUALTY INSURANCE COMPANY

Index No. 07 CIV 4098

against  
FORTHRIGHT CONSTRUCTION, INC. ET AL.

Plaintiff(s)

Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

IN A CIVIL CASE, COMPLAINT FOR  
DECLARATORY JUDGMENT AND MONEY  
JUDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at BROOKLYN, NEW YORK  
That on 5/30/07 at 11:20 AM., at 2240 MCDONALD AVENUE, BROOKLYN, NEW YORK  
deponent served the within summons, and complaint on FORTHRIGHT CONSTRUCTION, INC. defendant therein named,  
IN A CIVIL CASE, COMPLAINT FOR  
DECLARATORY JUDGMENT AND MONEY  
JUDGMENT

INDIVIDUAL  
1. ☐ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.  
CORPORATION  
2. ☒ a DOMESTIC corporation, by delivering thereat a true copy of each to MARK KANPEVSKY personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.  
SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
AFFIXING TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE  
USE WITH 3 OR 4  
5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
MAILING TO BUSINESS  
USE WITH 3 OR 4  
5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH 1, 2, OR 3  
☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☐ Female ☐ Black Skin ☐ Brown Hair ☒ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☒ 5'4"-5'8" ☒ 131-160 Lbs.  
☐ Brown Skin ☐ Gray Hair ☐ Beard ☒ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.  
☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE  
☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
6/1/07

JOHN DICANIO  
Notary Public, State of New York  
No. 01DI4977768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2011

THOMAS HUANG  
PRINT NAME BENEATH SIGNATURE

License No. 1249141